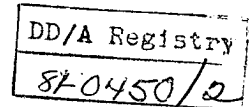


CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505




1 MAY 1981

DD/A REGISTRY

FILE: Security - 4-1

MEMORANDUM FOR: David Stockman
Director, Office of Management and Budget

ATTENTION:



Assistant Director for Regulatory and
Information Policy

FROM: Max Hugel
Deputy Director for Administration

SUBJECT: Central Intelligence Agency Annual Privacy Act
Report, Part II, 1980

In accordance with OMB Memorandum of 19 January 1981,
forwarded herewith is Part II of the Central Intelligence Agency
Annual Report for 1980.

/s/ William N. Hart

 for Max Hugel

Attachment

CIA ANNUAL PRIVACY ACT REPORT FOR 1980
PART II

STAT 1. This portion of the Annual Report is responsive and is keyed to the attachment transmitted with OMB Memorandum of 19 January 1981 from [] Assistant Director for Regulatory and Information Policy, entitled "Instructions for Submitting Data for the President's Privacy Act Report to the Congress."

a. Publication Data [5 U.S.C. 552a(o)]:

- (1) Date and Federal Register citation of annual publication of systems notices: 7 January 1981, Volume 46, No. 4, p. 1764
- (2) Total number of active systems:
nonexempt = 0, exempt = 68
- (3) Number of new systems published during reporting year: 0
- (4) Total number of systems deleted during reporting year: 0
- (5) Number of systems deleted and records destroyed or transferred to the control of the National Archives per 5 U.S.C. 552a(1)(3): 0
- (6) Number of systems deleted which were merged into a new or existing system: 0
- (7) Number of systems which were deleted because they no longer met the "system of records" definition of 5 U.S.C. 552a(a)(5): 0
- (8) Number of systems which were automated, either in whole or in part during reporting year:
exempt = 4
- (9) Number of public comments received on agency publication of rules and notices: 0

b. Agency Operation of the Exemption Provisions of 5 U.S.C. 552a (j) and (k): For each exempt system of records maintained, show:

- (1) Agency ID number and name: In 1977 this Agency's ID number and name were incorporated into the OMB's data system which is submitted

annually as Part I of this report. The last two digits of the eight-digit OMB number are identical to this Agency's ID number. The name of the system is also identical to that which is found on the OMB machine listing of Part I.

(2) Total number of access requests for system in reporting year: 1635

(3) Number of access requests totally denied and exemption or exemptions relied on:

4	(j)(1)
1	(k)(1)
1	(b)
20	(j)(1), (k)(1)
3	(b), (j)(1)
1	(b), (k)(1)
4	(b), (j)(1), (k)(1)

(4) Number of access requests partially denied and exemption or exemptions relied on:

63	(j)(1)
1	(k)(1)
19	(b)
3	(k)(5)
55	(j)(1), (k)(1)
6	(j)(1), (k)(5)
4	(j)(1), (k)(6)
1	(b), (k)(5)
29	(b), (j)(1)
37	(b), (j)(1), (k)(5)
45	(b), (j)(1), (k)(1)
1	(b), (k)(1), (k)(5)
23	(b), (j)(1), (k)(1), (k)(5)
1	(j)(1), (k)(1), (k)(5), (k)(6)
1	(j)(1), (k)(1), (k)(6)
1	(b), (j)(1), (k)(2), (k)(5)

(5) Number of access requests totally granted: 77

(6) Number of appeals of denials of access: 29

(7) Number of appeals in which denial was upheld: 16 (N.B.: A number of the appeals acted upon during 1980 were carried over from 1979. See paragraph 2, below.)

- (8) Number of appeals in which denial was overturned either in whole or in part: 25
- (9) Total number of requests to amend records in system: 5
- (10) Number of amendment requests totally denied: 3
- (11) Number of amendment requests partially denied: 0
- (12) Number of amendment requests wholly granted: 1
- (13) Number of appeals of denied requests to amend: 0
- (14) Number of appeals in which denial was upheld: 1 (N.B.: This was a case carried over from 1979 and closed in calendar year 1980.)
- (15) Number of appeals in which denial was overturned either in whole or in part: 0

c. Privacy Act Litigation:

- (1) Number of Privacy Act suits filed during reporting year involving access to or amendment of systems of records: 9
- (2) Of this category, provide status at year's end (includes suits carried over from previous year):
 - (a) Resolved in favor of the Agency or dismissed: 10
 - (b) Resolved in favor of the complainant: 0
 - (c) Pending: 36
- (3) No suits were filed during reporting year involving provisions of the Act other than access or amendment.
- (4) This section not applicable given the negative response of item c(3) above.

(5) This section not applicable given the negative response in item c(3) above.

d. Agency Analysis of Data Provided: To bring the foregoing statistics into proper perspective, the reader should bear in mind that b(2) above refers only to calendar year 1980 whereas the figures subsequently provided under b(3) through (15) include cases carried over from previous calendar years. A review of the previous reporting years compared to the above statistics shows a somewhat fluctuating number of access requests with a rather significant change in volume between 1977 (3,023) and 1978 (2,136), and again in 1979 (1,625). The closeness between the 1979 and 1980 (1,635) figures hopefully could be a sign of a leveling trend, but this observation may be somewhat premature. Any attempt to extrapolate on other data under b above would be little more than speculation because there is no efficient way to isolate figures by calendar year. We do note, however, that the declining figures for cases in which information was granted in full to the requester seems to correlate over the same time period, e.g., 1977 (195), 1978 (179), 1979 (99), and 1980 (77), with the number of access requests received. The aforementioned data include carryover statistics based upon access requests submitted in previous calendar years. There is no effective way to break down these statistics and isolate the requests by calendar year exclusively.

e. Annual Inventory of Systems of Records:

Submitted as Part I on 1 April 1981.

f. Recommendations for Change: This Agency has no recommendations for either administrative or legislative changes.

2. The reader should be aware that several hundred letters were received during 1980 requesting access to personal records, where no formal processing was done pending receipt of additional information from the requesters. These letters are not included in the 1,635 total given above in response to b(2). Not requested under c above, but worthy of note, is the fact that 1,166 access requests were carried over from 1979. This processing backlog was caused, primarily, by our complex and decentralized records systems established to insure maximum security of information. In addition to the foregoing, no relevant records were found in 868 cases processed during 1980.

3. While the administration of the Act has not placed an undue burden on this Agency, it had an adverse effect on certain components within the Agency. For example, the Office of Security has found that the Act has had a negative impact on the conduct of investigations as well as other aspects in connection with security clearance procedures. People, particularly more sophisticated and professional individuals, are often hesitant to relate in-depth information and some refuse to be interviewed at all. Members of the medical profession are extremely reluctant to give professional opinions and many universities require a notarized release before allowing a review of academic records. Some employers are reluctant to confirm employment for fear of repercussions from the person being investigated. While there is no factual way to measure the adverse effect the Act has on any investigative source, the perception is that those people who are aware of the Act's "fine print" have a tendency to be less forthcoming when interviewed.

4. This Agency's Office of Personnel Policy, Planning, and Management has also experienced some difficulty over the years in the conduct of certain activities affected by the Act. Our Retirement Counseling and Employee Assistance Branch (RCEAB) handles an activity which involves responding to written inquiries from private industry concerning past and present employees. These inquiries concern mortgage loans, credit card applications, employment evaluations, etc. Over the past few years private industry has gradually adapted to the requirements of the Privacy Act and, consequently, approximately only 10% of the inquiries now come in without the individual's signature authorizing release of the information requested. When a "non-signed" inquiry is received, a form letter must be sent requesting the individual to authorize release of the information, before any action can be taken. This procedure presents no particular problem for RCEAB in handling these inquiries; however, there can be a problem for the approximately 10% who have to experience a delay in obtaining information that is usually vital for their mortgage loan or a job. In addition, our Recruitment Division has developed a system whereby we return applicant resumes that have been rejected from further consideration in order not to create a file which would be subject to a Privacy Act request. This has caused some problems for our recruiters in the event the applicant calls and wants information as to why he/she was not accepted for employment. Without a record of his/her resume, the recruiter does not have the information available to answer the question and usually has to start all over again with the applicant regarding his/her qualifications, etc., in order to arrive at the reason for rejection. It is possible, in time, that we can redesign the system in order to provide the recruiters with the needed rejection information.

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STAT

IPD [] [] 29 Apr 81

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